



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53361-2025
Date of decision : 08.10.2025

KASHMIR KAUR RAI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Bhavna Kapur, Advocate (through V.C.) with
Mr. Dushyan Jog, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of the FIR No.0044 dated 10.10.2024 (Annexure P-1) registered under Section 3 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 351(2) of the BNS, 2023 at Police Station NRI, District Police Commissionerate, Jalandhar, the final report/challan under Section 193(4) of BNSS, 2023 and all consequential proceedings arising therefrom.

2. The brief facts of the case are that Sukhdev Singh (complainant) S/o Puran Singh got registered the instant FIR. The contents of the said FIR are as under:-

*In reference to the complaint U.I.D. No.2409209 dated 10.09.2024 from Sukhdev Singh son of Puran Singh, resident of Village Nurpur, District Jalandhar, and the details is as under:
'A.D.G.P. Punjab N.R.I., Sub: Regarding coming to the colony*

and abusing, threatening and used derogatory language regarding caste. Sir, I doing the business of dairy farm in village Nurpur and also working as property dealer.NRI Kashmir Kaur (Ex-wife) Daljit Singh came to my office on 4.9.2024 at around 4 PM regarding the sale of a house. There were four other people with her. I told Kashmir Kaur that I have come to know that there is a dispute over your house and land. Therefore, it cannot be sold. Angered at this, she started abusing the owner of the colony and me and said that you are "Chura Chamad" who are deliberately defaming my house. After hearing the same, my soul was very hurt. She repeated these words to me repeatedly. In this way, she went towards her house using the abusive language. From the spot, many people heard these words.Kashmir Kaur was married in village Nurpur. SHe knew everything about me. Please take appropriate legal action against her so that no SC person is insulted. Complainant Sd/ (English) Sukhdev Singh son of Puran Singh resident of Village Nurpur, District Jalandhar."

The copy of the above-said FIR is attached as Annexure P-1 to the petition.

3. Based on the investigation conducted, the report under Section 193(4) of the BNSS came to be submitted against the petitioner.
4. The instant petition has been filed challenging the aforementioned FIR No.0044 dated 10.10.2024 (Annexure P-1) and the report under Section 193(4) of BNSS, 2023.
5. The learned counsel for the petitioner contends that the present FIR has been registered as a counter-blast to the two complaints filed by the children of the petitioner against certain properties dealers including one Jaswant Singh who is a witness of the present occurrence as per the challan. This FIR is a pressure tactic so as to get the two complaints withdrawn. A civil dispute is pending between the children of the petitioner and Jaswant Singh. There is no evidence as to where the

office of the complainant is, which as per the FIR is the place of occurrence. There is no house in the name of the petitioner which she would have wanted to sell for which she contacted the complainant. In fact, the house in question belongs to the children of the petitioner. There is a substantial delay in the registration of the FIR. The occurrence allegedly took place on 04.09.2024 but the FIR was registered on 10.10.2024. He thus contends that the present petition be accepted and the FIR No.0044 dated 10.10.2024 (Annexure P-1) and the report under Section 193(4) BNSS be quashed.

6. I have heard the learned counsel for the petitioner.

7. Before proceeding further in the matter, it would be apposite to refer to the provisions of Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the same reads as under:-

“3. Punishments for offences atrocities.—3 [(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;

(b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;

(c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;

(d) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

(e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;

(f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;

(g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (f) and this clause, the expression “wrongfully” includes—

(A) against the person’s will;

(B) without the person’s consent;

(C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

(D) fabricating records of such land;

(h) makes a member of a Scheduled Caste or a Scheduled Tribe to do “begar” or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

(i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;

(j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;

(k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship,

temple, or other religious institution as a devadasi or any other similar practice or permits aforementioned acts;

(l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—

(A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;

(B) not to file a nomination as a candidate or to withdraw such nomination; or

(C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;

(m) forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;

(n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(o) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

(p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes. Explanation.—For the purposes of this clause, the expression “object” means and includes statue, photograph and portrait;

(u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient’s consent;

(ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (i), the expression “consent” means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman’s sexual history, including with the offender shall not imply consent or mitigate the offence;

- (x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;*
- (y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;*
- (z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence: Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;*
- (za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—*
- (A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage;*
 - (B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;*
 - (C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including jatras;*
 - (D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or*
 - (E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job*

which other members of the public, or any section thereof, have a right to use or have access to;

(zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.] ”

8. A perusal of the FIR would reveal that as per the complainant, the petitioner was married at village Nurpur, the village of the complainant and knew the caste status of the complainant. The words so spoken *prima facie* make out the offences in question. If the bare perusal of the FIR reveals the commission of the offence, the question of quashing of the FIR does not arise. There is no delay in the registration of the FIR. The occurrence took place on 04.09.2024. The complaint was made by the complainant on 10.09.2024 and it was the formal FIR which came to be registered later on 10.10.2024. Whether the present FIR is an outcome of mala fide and a counter-blast to the civil suit filed by the children of the petitioner against Jaswant Singh are a matter of trial and cannot be adjudicated upon in a petition under Section 482 Cr.P.C./528 of BNSS, 2023 as has been held by the Hon'ble Supreme Court in the cases of **Renu Kumari Vs. Sanjay Kumar & others, 2008(2) RCR (Criminal) 549**, **Lakhwant Singh Vs. Jasbir Singh & others, 2008(4) RCR (Criminal) 545** and by the Hon'ble Madhya Pradesh High Court in the case of **Indrajeet Singhaniya & another Versus State of M.P. & Another, MCRC No.24839 of 2018, decided on 11.07.2018**. Further, the

arguments raised by the petitioner would amount to adjudicating upon disputed questions of fact in summary proceedings which cannot be permitted as has been held by this Court in the case of **Sunil Kumar Versus State of Haryana, CRM-M-49148-2025, decided on 09.09.2025.**

In fact, the threadbare examination of the arguments raised by the petitioner would amount to holding of a mini-trial at the stage of adjudicating upon a quashing petition which is certainly not permissible as has been held by the Hon'ble Supreme Court in the case of **Akhil Sharda & others Vs. Sanjeet Jaiswal, 2022(3) RCR (Criminal), 841.**

9. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same is hereby dismissed.

10. However, the observations made in this order are only for the purposes of deciding this petition and the Trial Court is free to adjudicate upon the case on the basis of the evidence lead before it uninfluenced by any such observations.

(JASJIT SINGH BEDI)
JUDGE

08.10.2025
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No